

DALLAS DISTRICT DISPUTE RESOLUTION TEAM

Schenequa Neal
USPS Representative

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Andy Alvarado
NALC Representative



RESOLVE



STEP B DECISION

Step B Team: Andy Alvarado
Schenequa Neal

Decision: RESOLVE
USPS Number: G11N-4G-C 16097740
Grievant: Class Action
Branch Grievance Number: 421-080-16
Branch Number: 421

District: Rio Grande
Deciding District: Dallas

Installation: San Marcos
Delivery Unit: San Marcos 78666
State: Texas
Incident Date: 01/02/2016

Formal Step A Parties
NALC: E Quinonez
USPS: J Vasquez

Date Informal Step A Initiated: 01/22/2016
Formal Step A Meeting Date: 02/18/2016
Date Received at Step B: 02/22/2016
Step B Decision Date: 03/01/2016
USPS Issue Code: 08.5410
NALC Issue Code: 120051
Original Step B Received Date:
Date Sent To Assisting Team:

ISSUE: Did Management violate Article 8 of the National Agreement when they assigned overtime to the Work Assignment and Non ODL carriers prior to working the ODL carriers the week of 01/02/2016 through 01/08/2016? If so, what is the appropriate remedy?

DECISION: The Dispute Resolution Team (DRT) has RESOLVED this grievance. There was a violation. The Dispute Resolution Team reached common ground on the remedy. The following employees will be compensated the following lump sum amounts to be entered at the Step B Level of the Grievance / Arbitration Procedure:

Employee	EIN	Amount
S Keys	02615845	21
T Harris	04043170	146
D Iten	02126521	26
J Loyd	03167660	18
B Navaira-Peralta	04440591	17
M Suarez	03453376	148
M Meditz	04348359	52
P Lantigua	02077022	66
G Folster	02123533	52

H Trelles	02177901	35
P Calderon	03660409	116
D Romero Sr	02201151	104
R Briseno	04122157	35

EXPLANATION: For the dates of 01/02/2016 through 01/08/2016 non-ODL and Work Assignment carriers worked off assignment overtime and the non-scheduled day while ODL carriers were available.

The union contends management violated articles 8.5.D, 8.5.G and Article 3 of the National Agreement by improperly utilizing the non ODL and Work Assignment carrier to carry auxiliary assistance on/off their assigned routes and into overtime status. They state there were ODL carriers available to work the mandated overtime.

The union contends for the week there were several hours of violations. They state the weekly schedule shows routes open daily. They state had management utilized the auxiliary assistance and ODL carrier properly, no violations would have occurred. They state management is not mandating based on the junior employee.

The union requests an award of compensatory time off with pay (at the straight time rate). They request the non ODL carriers who lost time off due to being improperly mandated to work into overtime on another route be made whole. They request the ODL carriers be awarded overtime and penalty overtime pay up to the maximum daily and weekly work-hour limit for the missed overtime opportunities.

Management contends there were 2 city carriers on annual leave plus one carrier on extended sick leave. They state 1 carrier was on emergency annual leave on 01/02/2016.

National Agreement

8.5.D If the voluntary "Overtime Desired" list does not provide sufficient qualified people, qualified full-time regular employees not on the list may be required to work overtime on a rotating basis with the first opportunity assigned to the junior employee.

National Agreement

8.5.G
 G. Full-time employees not on the "Overtime Desired" list may be required to work overtime only if all available employees on the "Overtime Desired" list have worked up to twelve (12) hours in a day or sixty (60) hours in a service week. Employees on the "Overtime Desired" list:
 1. may be required to work up to twelve (12) hours in a day and sixty (60) hours in a service week (subject to payment of penalty overtime pay set forth in Section 4.D for contravention of Section 5.F); and
 2. excluding December, shall be limited to no more than twelve (12) hours of work in a day and no more than sixty (60) hours of work in a service week.
 However, the Employer is not required to utilize employees on the "Overtime Desired" list at the penalty overtime rate if qualified employees on the "Overtime Desired" list who are not yet entitled to penalty overtime are available for the overtime assignment.

JCAM page 8-15

Implementing Memorandum on "Letter Carrier Paragraph." A memorandum of understanding signed December 20, 1988 (M-00884) further explained the requirement to seek to use auxiliary assistance before requiring letter carriers not on the ODL or Work Assignment List to work overtime on their own route on a regularly scheduled day. Management must seek to use all of the following to provide auxiliary assistance:

- part-time flexibles at the straight-time or regular overtime rate
 - city carrier assistant employees at the straight-time or regular overtime rate
 - available full-time regular employees such as unassigned or reserve regulars at the straight-time rate
 - full-time carriers from the Overtime Desired List at the regular overtime rate
- However, the memo states that management does not have to use ODL carriers to provide auxiliary assistance if such an assignment would mean that the ODL carriers would be working *penalty overtime*. In that limited situation—if no auxiliary assistance is available without going into penalty overtime—management can require full-time regular carriers not on the Overtime Desired List to work overtime on their own routes on a regularly scheduled day. Remember that this limited exception applies only when a full-time non-ODL letter carrier is required to work overtime on his/her own assignment on a regularly scheduled day.
- Before requiring a non-ODL carrier to work overtime on a non-scheduled day or off his/her own assignment, management must seek to use a carrier from the ODL, even if the ODL carrier would be working penalty overtime**

The grievance file contained the Overtime Alert Report showing the amount of overtime worked.

The grievance file contained the employee moves report showing the assignments for each carrier and the amount of time spent on that assignment.

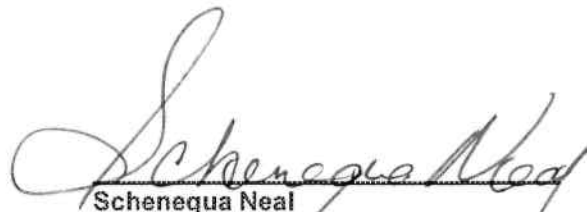
There were carriers on the non ODL and Work Assignment list working overtime on another assignment.

Most of the ODL carriers had approached/reached the 60 hour maximum for the week therefore were no longer available for any additional time.

The Dispute Resolution Team reviewed all evidence and arguments in the grievance file and rendered the above decision.



Andy Alvarado
NALC Step B Representative



Schenequa Neal
USPS Step B Representative

cc: Rio Grande DRT

Contents of the grievance file: PS Form 8190, NALC contentions, Informal Step A request for documentation/steward time/Informal Step A meeting, Request for a Formal Step A meeting, Weekly schedule, Overtime Sign-Up Sheet, Overtime Alert, Employee Moves Report, Hours Analysis, NALC off assignment and Overtime Hours, NALC hours available sheet, NODL/Work Assignment off assignment, Overtime hours request remedy, USPS contentions, PS Form 3996, leave/return sheet, time limit extensions, Table of contents, END.

Payout Request History for Grievance 16097740

[HELP](#)

no data

Not Processed By Payroll **Payroll Processed**

New (Not yet sent to Payroll) Paid (Back from Payroll without error)

Pending (Not back from Payroll) Payroll Error (Back from Payroll with error)

Submitted (Received acknowledgment from Payroll, awaiting processing)

New, Pending and Submitted Requests

Status	GATS Code	App Seq	Request Amount	Last Name	First Name	SSN	Relevant pp	Requested By	Date Requested	Buttons
New		2	\$17.00	NAVAIRA-PERALTA	BOBBY	6057	PP1 FY2016	KXYCDG	03/01/2016	Details Delete Edit
New		2	\$18.00	LOYD	JEFFREY	0005	PP1 FY2016	KXYCDG	03/01/2016	Details Delete Edit
New		2	\$21.00	KEYS	STACEY	9904	PP1 FY2016	KXYCDG	03/01/2016	Details Delete Edit
New		2	\$26.00	ITEN	DAVID	0225	PP1 FY2016	KXYCDG	03/01/2016	Details Delete Edit
New		2	\$35.00	TRELLES	HENRY	0967	PP1 FY2016	KXYCDG	03/01/2016	Details Delete Edit
New		2	\$35.00	BRISENO	RODNEY	1997	PP1 FY2016	KXYCDG	03/01/2016	Details Delete Edit
New		2	\$52.00	FOLSTER	GREGORY	9372	PP1 FY2016	KXYCDG	03/01/2016	Details Delete Edit
New		2	\$52.00	MEDITZ	LISA	6976	PP1 FY2016	KXYCDG	03/01/2016	Details Delete Edit
New		2	\$66.00	LANTIGUA	PEDRO	8345	PP1 FY2016	KXYCDG	03/01/2016	Details Delete Edit

New	2	\$104.00	ROMERO	DAVID	0864	PP1 FY2016	KXYCDG	03/01/2016	Details	Delete	Edit
New	2	\$116.00	CALDERON	PRUDENCIO	3454	PP1 FY2016	KXYCDG	03/01/2016	Details	Delete	Edit
New	2	\$146.00	HARRIS	TAMMY	2996	PP1 FY2016	KXYCDG	03/01/2016	Details	Delete	Edit
New	2	\$148.00	SUAREZ	MARIA	8960	PP1 FY2016	KXYCDG	03/01/2016	Details	Delete	Edit
Total New:		\$836.00									
Total Pending:		\$0.00									
Total Submitted:		\$0.00									

Paid and Errors from Finance

Status	Error or Warning	App Seq	Request Amount	PP Paid	PP Paid	Last Name	First Name	SSN	Relevant PP	Requested By	Date Requested	
No Data												
Total Paid:		\$0.00										
Total Error:		\$0.00										